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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,101	11/18/2003	Jack Y. Peng	27140.010	9904
21907	7590	01/18/2006	EXAMINER	
ROZSA LAW GROUP LC 15910 VENTURA BOULEVARD SUITE 1601 ENCINO, CA 91436-2815			JENKINS, DANIEL J	
			ART UNIT	PAPER NUMBER
			1742	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/718,101

Applicant(s)

PENG ET AL.

Examiner

Daniel J. Jenkins

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. The Examiner has carefully considered Applicant's Response of 6/29/05. The Examiner makes a new rejection and argument necessitated by Applicant's Amendment, this Action accordingly made Final.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "about 100%" is not defined by the Specification and the limit of which is not clear to one of ordinary skill in art.

Additionally, the term is in conflict with dependent claims 13, 19 and 20 which further limit claim 1, and in particular, step "c" to densities below 100%.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "about 100%" is not disclosed or supported in the disclosure as originally filed.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 3,834,004 (Ayers) in view of Rudy.

Ayers discloses the invention substantially as claimed. Ayers discloses a method of making a composite sheet comprising:

- providing a powder (col. 3, lines 63-64);

- filling the powder mixture into a sheath (col. 3, lines 64-65);

- compacting the filled sheath to form a compacted powder within a sheath (col. 4, line 13 to col. 5, line 61); and

- rolling the compacted canister to form a rolled composite canister containing a compactd powder (col. 5, lines 64-65).

However, Ayers does not disclose wherein the powder comprises a powder mixture containing a reinforcing material.

Rudy teaches to add hard particles to tool steel powders in order to improve the toughness of the steel (col. 2, lines 8-29).

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It would have been obvious to one having ordinary skill in the art at the time of the invention to add hard particles, including ceramic particles selected from a group comprising titanium carbide, to the powder of Ayers in order to improve the toughness of the formed sheet.

Ayers further discloses wherein the powder comprises a tool steel iron based alloy powder.

Ayers further discloses at col. 3, lines 44-63, wherein the powder particle size approximates that as claimed by Applicant. The Examiner notes that the term "about 100 microns" is not specifically defined in the disclosure as originally filed.

Rudy is silent as to the size selection of the ceramic powder, but it would have been obvious to one having ordinary skill in the art to select ceramic particle size approximating the steel powder size in order to facilitate blending of the powder.

Rudy further discloses wherein the ceramic particles are from 5 to 25 % of the powder mixture, overlapping the range as claimed by Applicant establishing a prima facie case of obviousness.

Ayers further discloses wherein the powder mixture contains alloy powders and may contain additional alloying constituents.

Ayers further discloses wherein the canister is in the form of a sheath, and notes that Applicant's disclosure as to the meaning of frame includes various geometric shapes (see pending Specification, page 9, lines 8-9).

Ayers further discloses wherein the compaction forms the powder to a density to 95% (col. 5, lines 56-63), and is further processed by rolling.

Ayers is silent as to degassing during heating (col. 5, lines 10-41), but it is common knowledge to perform degassing during hot canister working in order to reduce contamination of the worked powders.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Jenkins whose telephone number is 571-272-1242. The examiner can normally be reached on M-TH6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-272-1242. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel J. Jenkins  
Primary Examiner  
Art Unit 1742

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